

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DENNIS L. MAXBERRY,

Plaintiff,

v.

KELLER GRADUATE SCHOOL OF MANAGEMENT  
as DEVRY UNIVERSITY,

Defendant.

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ORDER

13-cv-802-bbc

Plaintiff Dennis Maxberry has filed a proposed civil complaint. Plaintiff has asked for leave to proceed *in forma pauperis* and has supported his request with an affidavit of indigency. The standard for determining whether plaintiff qualifies for indigent status is the following:

- From plaintiff's annual gross income, the court subtracts \$3,700.00 for each dependent excluding the plaintiff.
- If the balance is less than \$16,000.00, the plaintiff may proceed without any prepayment of fees and costs.
- If the balance is greater than \$16,000.00 but less than \$32,000.00, the plaintiff must prepay half the fees and costs.
- If the balance is greater than \$32,000.00, the plaintiff must prepay all fees and costs.
- Substantial assets or debts require individual consideration.

In this case, plaintiff has a monthly income of \$1,081.00 from social security and veterans benefits, which makes his annual income \$12,972.00 . Plaintiff has no dependents

or substantial assets. Because plaintiff's income is less than \$16,000.00, he can proceed without any prepayment of fees or costs.

Accordingly, IT IS ORDERED that plaintiff Dennis L. Maxberry's complaint is taken under advisement. As soon as the court's calendar permits, plaintiff's complaint will be screened pursuant to 28 U.S.C. § 1915 to determine whether the case must be dismissed either because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Plaintiff will be notified promptly when such a decision has been made. In the meantime, if plaintiff needs to communicate with the court about this case, he should be sure to write the case number shown above on his communication.

Entered this 25th day of November, 2013.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge